

§ 213.1

Subpart E—Track Appliances and Track-Related Devices

- 213.201 Scope.
- 213.205 Derails

Subpart F—Inspection

- 213.231 Scope.
- 213.233 Track inspections.
- 213.234 Automated inspection of track constructed with concrete crossties.
- 213.235 Inspection of switches, track crossings, and lift rail assemblies or other transition devices on moveable bridges.
- 213.237 Inspection of rail.
- 213.239 Special inspections.
- 213.241 Inspection records.

Subpart G—Train Operations at Track Classes 6 and Higher

- 213.301 Scope of subpart.
- 213.303 Responsibility for compliance.
- 213.305 Designation of qualified individuals; general qualifications.
- 213.307 Classes of track: operating speed limits.
- 213.309 Restoration or renewal of track under traffic conditions.
- 213.311 Measuring track not under load.
- 213.313 Application of requirements to curved track.
- 213.317 Waivers.
- 213.319 Drainage.
- 213.321 Vegetation.
- 213.323 Track gage.
- 213.327 Track alignment.
- 213.329 Curves, elevation and speed limitations.
- 213.331 Track surface.
- 213.332 Combined track alignment and surface deviations.
- 213.333 Automated vehicle-based inspection systems.
- 213.334 Ballast; general.
- 213.335 Crossties.
- 213.337 Defective rails.
- 213.339 Inspection of rail in service.
- 213.341 Initial inspection of new rail and welds.
- 213.343 Continuous welded rail (CWR).
- 213.345 Vehicle/track system qualification.
- 213.347 Automotive or railroad crossings at grade.
- 213.349 Rail end mismatch.
- 213.351 Rail joints.
- 213.352 Torch cut rail.
- 213.353 Turnouts, crossovers, and lift rail assemblies or other transition devices on moveable bridges.
- 213.355 Frog guard rails and guard faces; gage.
- 213.357 Derails.
- 213.359 Track stiffness.
- 213.361 Right of way.
- 213.365 Visual inspections.

49 CFR Ch. II (10–1–13 Edition)

- 213.367 Special inspections.
- 213.369 Inspection records.

APPENDIX A TO PART 213—MAXIMUM ALLOWABLE CURVING SPEEDS

APPENDIX B TO PART 213—SCHEDULE OF CIVIL PENALTIES

APPENDIX C TO PART 213 [RESERVED]

APPENDIX D TO PART 213—MINIMALLY COMPLIANT ANALYTICAL TRACK (MCAT) SIMULATIONS USED FOR QUALIFYING VEHICLES TO OPERATE AT HIGH SPEEDS AND AT HIGH CANT DEFICIENCIES

AUTHORITY: 49 U.S.C. 20102–20114 and 20142; Sec. 403, Div. A, Public Law 110–432, 122 Stat. 4885; 28 U.S.C. 2461, note; and 49 CFR 1.89.

SOURCE: 63 FR 34029, June 22, 1998, unless otherwise noted.

Subpart A—General

§ 213.1 Scope of part.

(a) This part prescribes minimum safety requirements for railroad track that is part of the general railroad system of transportation. In general, the requirements prescribed in this part apply to specific track conditions existing in isolation. Therefore, a combination of track conditions, none of which individually amounts to a deviation from the requirements in this part, may require remedial action to provide for safe operations over that track. This part does not restrict a railroad from adopting and enforcing additional or more stringent requirements not inconsistent with this part.

(b) Subparts A through F apply to track Classes 1 through 5. Subpart G and 213.2, 213.3, and 213.15 apply to track over which trains are operated at speeds in excess of those permitted over Class 5 track.

[63 FR 34029, June 22, 1998, as amended at 78 FR 16100, Mar. 13, 2013]

§ 213.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all standard gage track in the general railroad system of transportation.

(b) This part does not apply to track—

(1) Located inside an installation which is not part of the general railroad system of transportation; or

(2) Used exclusively for rapid transit operations in an urban area that are

Federal Railroad Administration, DOT

§ 213.5

not connected with the general railroad system of transportation.

§ 213.4 Excepted track.

A track owner may designate a segment of track as excepted track provided that—

(a) The segment is identified in the timetable, special instructions, general order, or other appropriate records which are available for inspection during regular business hours;

(b) The identified segment is not located within 30 feet of an adjacent track which can be subjected to simultaneous use at speeds in excess of 10 miles per hour;

(c) The identified segment is inspected in accordance with 213.233(c) and 213.235 at the frequency specified for Class 1 track;

(d) The identified segment of track is not located on a bridge including the track approaching the bridge for 100 feet on either side, or located on a public street or highway, if railroad cars containing commodities required to be placarded by the Hazardous Materials Regulations (49 CFR part 172), are moved over the track; and

(e) The railroad conducts operations on the identified segment under the following conditions:

(1) No train shall be operated at speeds in excess of 10 miles per hour;

(2) No occupied passenger train shall be operated;

(3) No freight train shall be operated that contains more than five cars required to be placarded by the Hazardous Materials Regulations (49 CFR part 172); and

(4) The gage on excepted track shall not be more than 4 feet 10¼ inches. This paragraph (e)(4) is applicable September 21, 1999.

(f) A track owner shall advise the appropriate FRA Regional Office at least 10 days prior to removal of a segment of track from excepted status.

[63 FR 34029, June 22, 1998]

§ 213.5 Responsibility for compliance.

(a) Except as provided in paragraph (b) of this section, any owner of track to which this part applies who knows or has notice that the track does not comply with the requirements of this part, shall—

(1) Bring the track into compliance;

(2) Halt operations over that track; or

(3) Operate under authority of a person designated under § 213.7(a), who has at least one year of supervisory experience in railroad track maintenance, subject to conditions set forth in this part.

(b) If an owner of track to which this part applies designates a segment of track as “excepted track” under the provisions of § 213.4, operations may continue over that track without complying with the provisions of subparts B, C, D, and E of this part, unless otherwise expressly stated.

(c) If an owner of track to which this part applies assigns responsibility for the track to another person (by lease or otherwise), written notification of the assignment shall be provided to the appropriate FRA Regional Office at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but shall be in writing and include the following—

(1) The name and address of the track owner;

(2) The name and address of the person to whom responsibility is assigned (assignee);

(3) A statement of the exact relationship between the track owner and the assignee;

(4) A precise identification of the track;

(5) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this part; and

(6) A statement signed by the assignee acknowledging the assignment to him of responsibility for purposes of compliance with this part.

(d) The Administrator may hold the track owner or the assignee or both responsible for compliance with this part and subject to penalties under § 213.15.

(e) A common carrier by railroad which is directed by the Surface Transportation Board to provide service over the track of another railroad under 49 U.S.C. 11123 is considered the owner of that track for the purposes of the application of this part during the period the directed service order remains in effect.